1.0 INTRODUCTION

This environmental document is a joint Final Environmental Impact Report/Environmental Assessment (Final EIR/EA) prepared to meet the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). This Final EIR/EA describes the existing environment that would be affected by, and the environmental consequences which could result from the proposed Imperial Solar Energy Center South solar energy facility project and the alternatives described in Chapter 2.0 of this Final EIR/EA. As described in CEQA Guidelines Section 15121(a), an EIR is a public informational document that assesses the potential environmental effects of the proposed project and identifies mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. Similarly, as described in the Council on Environmental Quality (CEQ) regulations (40 CFR §§1500-1508) for implementing NEPA, the purpose of environmental review under NEPA is to "ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." (40 CFR §1500.1(b)).

CEQA requires state and local public agencies to prepare an EIR prior to approving any project that may have a significant effect on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action that has the potential to result in a direct physical change or a reasonably foreseeable indirect physical change in the environment (State CEQA Guidelines Section 15378[a]). Related activities that are similar in nature and that serve the same purpose are separate projects (as opposed to a single project) if they are independently considered for approval and one activity is not a foreseeable consequence of the other. *Sierra Club v West Side Irrig. Dist.* (2005) 128 Cal.App.4th 690. With respect to the Proposed Action, the County has determined that the proposed Imperial Solar Energy Center South solar energy facility is a "project" within the definition of CEQA.

The BLM is lead agency for NEPA. The process for complying with NEPA is provided in BLM's National Environmental Policy Act (NEPA) Handbook (BLM Handbook H-1790-1). This handbook provides instructions for compliance with the CEQ's regulations for implementing NEPA and the U.S. Department of the Interior's manual guidance on NEPA.

An EA can result in either a Finding of No Significant Impact (FONSI) requiring no further environmental evaluation, or identification of potentially significant impacts requiring an EIS. In the event that BLM determines that preparation of a FONSI is appropriate, the FONSI need only provide a basis for the conclusion that the project will have no significant effect on the human environment and why, therefore, an EIS is not required. (40 CFR 1508.13; BLM Handbook Section 8.4.2). According to Section 7.1 of the BLM Handbook, an applicant "may use a mitigated FONSI rather than an EIS if the applicant is able to reasonably conclude, based on the EA analysis, that the mitigation measures would be effective in reducing effects to nonsignificance."

1.1 Overview of the Proposed Action

The Proposed Action consists of three primary components: 1) the construction and operation of the Imperial Solar Energy Center South solar energy facility; 2) the construction and operation of the electrical transmission lines that would connect the solar energy facility to the existing Imperial Valley substation; and 3) the widening and use of an existing dirt road for access during construction and operations. The electricity generation process associated with the Proposed Action would utilize solar photovoltaic technology to convert sunlight directly into electricity. As part of the project, the solar energy facility would interconnect to the utility grid at the 230 kV side of the Imperial Valley Substation via an approximately five-mile long transmission line. The proposed right-of-way (ROW) for the electrical transmission line corridor would be 120-feet wide. The proposed transmission line ROW is located partially on BLM lands. The project proponent is also requesting construction and operational access to the solar energy facility via an existing dirt road located along the west side of the Westside Main Canal. The access road traverses BLM lands and private lands. The portion of the access road on BLM lands is 1,258 feet long, and it would be widened by five feet. Because the proposed transmission line ROW and access road ROW are located partially on BLM lands, the project requires ROW approval from BLM. The transmission line and access road ROWs that lie on BLM lands comprise approximately 85.1 acres.

The site of the proposed solar energy facility is located on 946.6 gross acres of privately-owned, undeveloped and agricultural lands, in the unincorporated Mt. Signal area of the County of Imperial, approximately eight miles west of the City of Calexico. Imperial County is located in Southern California, bordering Mexico, and east of San Diego County.

1.1.1 Agency Roles and Responsibilities

1.1.1.1 County of Imperial

The solar energy facility site is designated by the County of Imperial General Plan as "Agriculture" and is zoned Heavy Agriculture (A-3) and General Agricultural Rural Zone (A-2-R). The Proposed Action would require approval of a Conditional Use Permit from the County of Imperial to authorize the construction and operation of the proposed solar power plant on a project site consisting of six legal parcels zoned A-2-R and A-3. Pursuant to Imperial County Land Use Ordinance Title 9, Division 5, Chapter 9, "Solar Energy Plants" is a use that is permitted in the A-3 and A-2-R Zones, subject to issuance of a conditional use permit by the County. ("Transmission lines, including supporting towers, poles, microwave towers, utility substations" are permitted uses within the A-3 Zone.) Pursuant to Title 9, Division 5, Chapter 8, "Solar energy electrical generator," "Electrical power generating plant," "Major facilities relating to the generation and transmission of electrical energy," and "Resource extraction and energy development," are uses that are permitted in the A-2 and A-2-R zone subject to approval of a Conditional Use Permit by the County. In addition, the Proposed Action would require approval of a variance from the County to allow the proposed transmission towers to exceed the 120-foot height limit. This height variance is applicable to the entire project site. No land use changes would be required in order to implement the Proposed Action.

In addition, the County would be required to approve the following documents pursuant to CEQA:

- Certification of the EIR;
- Approval of a project Mitigation Monitoring and Reporting Program;
- Approval of CEQA Findings pursuant to CEQA Guidelines Section 15091; and,
- Approval of Site Plan.

Subsequent ministerial approvals may include, but are not limited to:

- Grading and clearing permits;
- Building permits;
- Septic system permits;
- Occupancy permits; and,
- Encroachment permits.

1.1.1.2 Bureau of Land Management

The proposed solar energy facility site is located approximately five miles south of the existing Imperial Valley Substation located on BLM lands. The solar energy facility would interconnect to the utility grid at the 230 kV side of the Imperial Valley Substation via the proposed transmission line corridor through BLM lands. Also, use of an existing dirt road is proposed for construction and operations access to the western portion of the solar energy facility. A portion (approximately 1,258 feet) of the 1.1 mile access road is located within BLM lands. Therefore, portions of the transmission line corridor and access road of the project on BLM lands require Rights-of-Way (ROW) approval from the BLM. Easements would be required over private land for the remaining portion of the road. The Proposed Action includes a 120-foot-wide ROW from the solar energy facility site, across BLM land to the Imperial Valley Substation in order to accommodate the construction and maintenance of the transmission line corridor and a 40-foot-wide ROW for the access road. In addition, temporary construction activities of a pull site and two temporary crossing structure construction sites required to cross the Southwest Powerlink 500 kV transmission line would occur outside of this ROW within BLM lands. As proposed, the new transmission line corridor would be located adjacent to the existing transmission lines that currently traverse this portion of BLM lands.

To obtain the ROW approval, CSOLAR submitted a "Standard Form 299 Application for Transportation and Utility Systems and Facilities on Federal Lands" to BLM for the transmission line corridor on October 29, 2009 and for the access road on October 26, 2010. The proposed ROW for the transmission line corridor and access road would be located within Utility Corridor "N" designated by the BLM's California Desert Conservation Area Plan (the Desert Plan) and comprises approximately 85.1 acres.

1.1.1.3 Department of Energy

Title XVII of the Energy Policy Act of 2005 (EPAct), P.L. 109-58 as amended by section 406 of the American Recovery and Reinvestment Act of 2009, P.L. 111-5 (the "Recovery Act"), established a Federal loan guarantee program for eligible energy projects. Title XVII of the EPAct authorizes the Secretary of Energy to

make loan guarantees for various types of projects, including those that "(1) avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and (2) employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued." (P.L. 109-58, § 1703(a)).

Title XVII identifies ten categories of technologies and projects potentially eligible for loan guarantees, including those for renewable energy technologies. The two principal goals of the loan guarantee program are to encourage commercial use in the U.S. of new or significantly improved energy-related technologies and to achieve substantial environmental benefits.

The purpose and need for the Department of Energy (DOE) action is to comply with its mandate under EPAct by selecting eligible projects that meet the goals of the Act. DOE is a cooperating agency on this EA pursuant to a MOU between DOE and BLM signed in January 2010, and would use this EA to comply with NEPA and assist its decision-making regarding whether or not to issue a loan guarantee.

1.1.1.4 Other Agency Reviews and/or Consultations

A. Federal

United States Army Corps of Engineers
Consultation, if required, for a disturbance to jurisdictional waters of the U.S. that may trigger the need for a Clean Water Act (CWA) Section 404 permit.

United States Fish and Wildlife Service
Consultation regarding potential impacts to special-status species or their habitat as required under the Federal Endangered Species Act and Migratory Bird Treaty Act. If applicable, Section 7 or Section 10 take permits authorization for the loss of species listed as threatened or endangered under the Endangered Species Act and their habitat.

B. State

California Department of Fish and Game
Consultation regarding potential impacts to California special-status species or their habitats as required under the California Endangered Species Act. If applicable, incidental take permits for the loss of such species or their habitat. If applicable, a section 1602 Streambed Alteration Agreement.

California Department of Toxic Substances Control
Review of Hazardous Materials Management Program and hazardous materials transportation plans, if applicable.

California Department of Transportation
Utility encroachment permits and/or consultation on potential impacts/improvements regarding Caltrans roads/rights-of-way.

California Environmental Protection Agency
Review of Hazardous Materials Management Program, if applicable.

California Native American Heritage Commission
Consultation.

California Occupational Safety and Health Administration
Review of Hazardous Materials Management Program, if applicable.

California State Water Resources Control Board/Regional Water Quality Control Board
National Pollution Discharge Elimination System (NPDES) Construction Activity General Permit, #CA-S000002 – Requires the applicant to file a public Notice of Intent (NOI) to discharge stormwater and to prepare and implement a stormwater pollution prevention plan (SWPPP).

NPDES General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (CA-S000004) – Requires that discharges of pollutants from areas of new development be reduced to the maximum extent practicable in order to protect receiving waters and uphold water quality standards.

Consultation regarding potential impacts to jurisdictional waters. If applicable, CWA Section 401 Water Quality Certification, and permitting under California Porter-Cologne Act.

C. Local

Imperial County Air Pollution Control District
Review as part of the EIR/EA process regarding consistency with the Imperial County Air Pollution Control District (ICAPCD) CEQA Air Quality Handbook, the 1991 Air Quality Attainment Plan, and the State Implementation Plan for PM_{10} in the Imperial Valley.

Imperial County Fire Department
Review as part of the EIR/EA process including the final design of the proposed fire system.

Imperial County Sheriff's Department
Review as part of the EIR/EA process.

Imperial Irrigation District
Review as part of the EIR/EA process including approval of an encroachment permit.

1.2 Objectives and Purpose and Need for the Proposed Action

The following objectives have been identified for the proposed action pursuant to CEQA and NEPA. These objectives provide a basis for identification of alternatives evaluated in the EIR/EA.

1.2.1 CEQA Objectives and Purpose and Need for the Proposed Action: County of Imperial

The purpose of the Proposed Action, also called "Project Objectives" under CEQA, is to utilize Imperial County's abundance of available solar energy (sunlight) to generate renewable energy, consistent with the County General Plan renewable energy objectives. The following statements represent objectives of Imperial County and the project proponent:

- Construct and operate a solar energy facility capable of producing 200 megawatts of electricity which would help meet the increasing demand for clean, renewable electrical power.
- Construct and operate a solar power facility with minimal impacts to the environment by locating the facility on previously disturbed land.
- Operate a facility at a location that ranks amongst the highest in solar resource potential in the nation.
- Align transmission lines with existing lines contained within an existing utility corridor to minimize impacts to BLM land.
- Provides economic investment and diversifies the economic base for Imperial County.
- Reinforce Imperial County's position as a leader in the renewable energy world.
- Operate a renewable energy facility that does not produce noise, emit any greenhouse gases , and minimizes water use.
- Meet the increasing demand for clean, renewable electrical power.
- Help reduce reliance on foreign sources of fuel, promotes national security, diversifies energy portfolios, contributes to the reduction of greenhouse gas emissions and generates "green" jobs.
- The Project will contribute much needed on-peak power to the electrical grid in California.
- Help California meet its statutory and regulatory goal of increasing renewable power generation.
- Assist California in meeting its Renewable Portfolio Standard goals of 33 percent of electrical power retail sales by 2020 under pending legislation.
- Support U.S. Secretary of the Interior Salazar's Orders 3283 and 3285 making the production, development and delivery of renewable energy top priorities for the United States.
- Support the greenhouse gas reduction goals of Assembly Bill 832 (California Global Warming Solutions Act of 2006).

- Sustain and stimulate the economy of Southern California by helping to ensure an adequate supply of renewable electrical energy while simultaneously creating additional construction and operations employment and increased expenditures in many local businesses.
- Locate the solar energy generating facility on a site with the proximity and the ability to interconnect to the California Independent System Operator (CAISO) controlled transmission network.
- Locate the solar energy generating facility on a site with the ability to utilize a previously designated utility transmission corridor.

The County of Imperial is the lead agency for compliance with CEQA for the project. The objectives of the County for preparing this Final EIR/EA are to comply with the requirements of CEQA to evaluate the potential environmental impacts of the Proposed Action. Consistent with the requirements of CEQA, the Final EIR/EA would be used as a decision-making tool to assist the County in its determination whether to approve, modify, or deny the project activities within its jurisdiction.

The project may also require permits and approvals from various state and local regulatory agencies, including the Imperial County Air Pollution Control District, the Imperial County Fire Department, and the Imperial Irrigation District.

1.2.2 NEPA Purpose and Need for the Proposed Action – Bureau of Land Management and Department of Energy

Bureau of Land Management

In accordance with FLPMA (Section 103(c)), public lands are to be managed for multiple uses in a manner that takes into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior is authorized to grant right-of-way on public lands for systems of generation, transmission, and distribution of electric energy (Section 501(a)(4)). Taking into account the BLM's multiple use mandate, the purpose and need for the Proposed Action is to respond to a FLPMA right-of-way application submitted by CSOLAR Development, LLC to construct, operate, maintain, and decommission the proposed electrical transmission lines from the Imperial Solar Energy Center South solar energy facility to the Imperial Valley Substation and associated infrastructure on public lands administered by the BLM in compliance with FLPMA, BLM right-of-way regulations, and other applicable federal laws and policies. This Proposed Action would, if approved, assist the BLM in addressing the management objectives in the three authorities listed below:

1. Executive order 12312, dated May 18, 2001, which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the "production and transmission of energy in a safe and environmentally sound manner."
2. The Energy Policy Act 2005 (EPAct), which sets forth the "sense of Congress" that the Secretary of the Interior should seek to have approved non-hydropower renewable energy projects on the public lands with a generation capacity of at least 10,000 MW by 2015.

3. Secretarial Order 3285A1, dated March 11, 2009 and amended on February 22, 2010, which "establishes the development of renewable energy as a priority for the Department of the Interior."

The BLM will decide whether to deny the proposed right-of-way, grant the right-of-way, or grant the right-of-way with modifications. Modifications may include modifying the proposed use or changing the route or location of the proposed facilities (43 CFR 2805.10(a)(1)).

BLM's purpose in preparing this Final EIR/EA is to comply with the requirements of NEPA to evaluate the potential environmental consequences of the Proposed Action. Consistent with requirements of NEPA, this Final EIR/EA would serve as a decision-making tool to assist BLM in its decision to approve, modify, or reject the Proposed Action.

Department of Energy

The purpose and need for the DOE action is to comply with its mandate under EPAct by selecting eligible projects that meet the goals of the act. The goals of the EPAct's loan guarantee program are to encourage commercial use in the U.S. of new or significantly improved energy-related technologies and to achieve substantial environmental benefits.

1.3 Proposed Benefits of the Proposed Action

1.3.1 Social & Environmental Benefits

The Proposed Action provides a host of social and environmental benefits consistent with California Public Utilities Code § 399.11 et seq., including: increasing the diversity, reliability, public health and environmental benefits of the energy mix California's electric utility companies are required to use renewable energy to produce 20 percent of their power by 2010 and 33 percent by 2020. Due to rapid developments in the solar power industry, coupled with recent cost reductions and the inherent "peak shaving" benefits of solar power, solar energy is poised to contribute a significant amount of the total renewable power needed to achieve these requirements. Because solar generation occurs during on-peak hours, solar power can enhance grid stability by matching generation to the daily electric load profile. Although solar power is an intermittent source of electric energy, the on-site Solar Meteorological Station(s) will provide real-time data for reliable electrical generation predictions and coordination with the California Independent System Operator (CAISO).

1.3.2 Promoting Stable Electricity Prices

Traditional base load energy prices have increased by roughly four percent per year in recent years and wholesale electricity pricing during peak hours has also increased with increased demand for energy and the rising cost of fossil fuels. A solar photovoltaic (PV) or concentrating photovoltaic (CPV) plant, such as the proposed facility, can produce electricity during peak demand periods when prices are highest and energy is most needed. This helps to relieve stress on the grid during peak hours, preventing the need to call up peaker plants and promoting stable electricity prices.

1.3.3 Creating New Employment Opportunities

The proposed facility will provide several hundred construction-related jobs during the construction phase. It will also provide additional jobs during the operation phase related to operations, maintenance and security.

1.3.4 Reducing Reliance on Imported Fuels

Once the proposed facility is completed, it will be able to operate almost completely independently from any imported fuels given. No imported fuels are required in the solar PV or CPV electricity generation process; however, a limited amount of fossil fuels would be consumed as part of operations and maintenance (e.g., employee vehicular trips, security lighting).

1.3.5 Protecting Public Health

Once the facility is operational, it will produce zero greenhouse gas emissions in the electricity generation process. Very minimal greenhouse gas emissions would be produced from operations and maintenance. Based on project build out of up to 200MW, this will off-set approximately 183,600 tons of CO_2 equivalents annually from the atmosphere based on an electricity emission factor of 805.83 lbs of CO_2 equivalents per MWh for the Western Electricity Coordinating Council (WECC) California eGRID subregion averaged from 1990 to 2006 (California Climate Action Registry General Reporting Protocol Version 3.1, January 2009). Furthermore, a significant amount of criteria pollution emissions will be displaced. This will help to ameliorate respiratory afflictions and other public health conditions that arise from poor air quality.

1.3.6 Ameliorating Air Quality Problems

Because the proposed facility will burn no fossil fuels, it will eliminate emissions of criteria pollutants that would have otherwise originated from fossil-based electricity production. Table 1.0 shows the estimated criteria pollutant emission rates from fossil-based power generation in the California grid mix and the amount of emissions displaced by the 200 MW Project annually.

TABLE 1.0
Estimated Criteria Pollutant Emission Reductions Created By Project

Air Pollutant	Emission Factor (lb/MWh)	Annual Emissions Displaced by Project (lb)
CO	0.487	222,000
NO_X	0.227	103,400
PM_{10}	0.040	18,200
ROGs	0.032	14,600
SO_X	0.0022	1,000

Source: Wolff, G. 2005. *Quantifying the Potential Air Quality Impacts from Electric Demand Embedded in Water Management Choices*. The Pacific Institute for the California Energy Commission, PIER Energy-Related Environmental Research. CEC-500-2005-031.

1.3.7 Benefits to Communities with a Plurality of Minority or Low-Income Populations

The facility is being constructed near the City of Calexico and the unincorporated area of Seeley. Calexico and Seeley have a low-income rural population in Imperial County. The plant is expected to create local employment opportunities both during the construction and operating periods. Furthermore, Imperial County will benefit from millions of dollars in property tax assessments over the course of the Project's lifecycle. These funds will be used to provide municipal services for local communities.

1.4 Relationship to Statutes, Regulations and Other Plans

1.4.1 Federal

Federal Clean Water Act (33 U.S.C. §§ 1251-1387)

The Federal Water Pollution Control Act (33 U.S.C. §§ 1251-1387), otherwise known as the Clean Water Act, is a comprehensive statute aimed at restoring and maintaining the chemical, physical and biological integrity of the nation's waters. The modern Clean Water Act was signed into law in 1972. Primary authority for the implementation and enforcement of the Clean Water Act rests with the U.S. Environmental Protection Agency (EPA). The Act authorizes water quality programs, requires federal effluent limitations and state water quality standards, requires permits for the discharge of pollutants into navigable waters, provides enforcement mechanisms, and authorizes funding for wastewater treatment works construction grants and state revolving loan programs, as well as funding to states and tribes for their water quality programs. Provisions have also been added to address water quality problems in specific regions and specific waterways.

Important for wildlife protection purposes are the provisions requiring permits to dispose of dredged and fill materials into navigable waters. Permits are issued by the U.S. Army Corps of Engineers under guidance developed by EPA pursuant to Section 404 of the Clean Water Act.

Federal Clean Water Act and California Porter-Cologne Water Quality Control Act

The Proposed Action is located within the Colorado River Basin (CRB) Regional Water Quality Control Board (RWQCB), Region 7. The Federal Clean Water Act and the California Porter-Cologne Water Quality Control Act require that Water Quality Control Plans (more commonly referred to as Basin Plans) be prepared for the nine state-designated hydrologic basins in California. The Basin Plan serves to guide and coordinates the management of water quality within the region.

Federal Endangered Species Act

The Federal Endangered Species Act (ESA) (16 U.S.C. §§ 1531-1544) provides protection for plants and animals whose populations are dwindling to levels that are no longer sustainable in the wild. The Act sets out a process for listing species, which allows for petition from any party to list a plant or animal. Depending

on the species, either the U.S. Fish and Wildlife Service or the National Marine Fisheries Service will determine whether listing the species is warranted. If it is warranted, the species will be listed as either threatened or endangered. The difference between the two categories is one of degree, with endangered species receiving more protections under the statute.

The ESA also requires that all federal agencies ensure that their actions will not jeopardize the continued existence of a listed species or result in destruction or adverse modification of designated critical habitat of such species. These actions include actions on federal property, such as BLM lands, and actions taken as a result of federal involvement, such as building a state highway where some of the monies come from the federal government.

Section 9 of the ESA prohibits the "take" of listed fish and wildlife species, but not plant species. This provision applies to every person and defines person broadly. The definition of "take" includes in addition to kill, harm, and harass, by regulation, "significant habitat modification or degradation that actually kills or injures wildlife." 50 C.F.R. § 17.3.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) was enacted into law in 1918. The MBTA outlaws "take" of migratory birds, their eggs, feathers or nests. Take is defined in the MBTA to include by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing or transporting any migratory bird, nest, egg, or part thereof. The Bald and Golden Eagle Protection Act affords additional protection to all bald and golden eagles. The U.S. Fish and Wildlife Service administers the MBTA.

National Historic Preservation Act

Federal regulations (36 CFR Part 800.2) define historic properties as "any prehistoric or historic district, site, building, structure, or object included, or eligible for inclusion in, the National Register of Historic Places (NRHP)." Section 106 of the NHPA (Public Law 89-665; 80 Stat 915; USC 470, as amended) requires a federal agency with jurisdiction over a project to take into account the effect of the project on properties included in or eligible for the NRHP, and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The term "cultural resource" is used to denote a historic or prehistoric district, site, building, structure, or object, regardless of whether it is eligible for the NRHP.

Flat-tailed Horned Lizard Rangewide Management Strategy

Numerous cooperating federal and state agencies created the Strategy to provide guidance for the conservation and management of sufficient habitat to maintain extant populations of flat-tailed horned lizards (FTHL) in each of the five Management Areas identified in the Strategy. The proposed transmission line corridor component of the Proposed Action is located entirely within the Yuha Desert FTHL Management Area.

Federal Clean Air Act

The legal authority for federal programs regarding air pollution control is based on the 1990 Clean Air Act Amendments. This legislation modified and extended federal legal authority provided by the earlier Clean Air Acts.

1.4.2 State

California Desert Conservation Area Plan

Section 601 of FLMPA requires that BLM develop a plan to "... provide for the immediate and future protection and administration of the public lands in the California Desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality." Section 601 is specifically included in the FLMPA to give direction about the California Desert Conservation Area Plan (CDCA). In that section, Congress required the preparation of a comprehensive long-range Plan for the CDCA. The proposed transmission line corridor component of the Proposed Action is located entirely within the Yuha Basin Area of Critical Environmental Concern (ACEC) of the CDCA. The proposed transmission line corridor is located within Utility Corridor "N" as designated in the Plan.

Renewables Portfolio Standard Program

This Program requires investor-owned utilities to obtain 33 percent of the power supplied to their customers to be generated from renewable sources by 2020. (Exec. Order S-14-08.) Renewable energy sources include wind, geothermal, and solar.

California Global Warming Solutions Act of 2006, AB 32 (Statutes 2006; Chapter 488; Health and Safety Code Sections 38500 et. seq)

This Act requires the California Air Resources Board (ARB) to enact standards that will reduce GHG emissions to 1990 levels by 2020. Electricity production facilities are regulated by the ARB.

Title 17 CCR, Subchapter 10, Article 2, Sections 95100 et seq.

These ARB regulations implement mandatory GHG emissions reporting as part of the California Global Warming Solutions Act of 2006.

California Endangered Species Act (Fish and Game Code Section 2050)

The California Endangered Species Act (CESA) is codified as Fish and Game Code Section 2050. Section 2050 of the California Fish and Game Code prohibits "take" of any species that the commission determines to be an endangered species or a threatened species. Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

CESA allows for take incidental to otherwise lawful activity. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate mitigation planning to offset project caused losses of listed species populations and their essential habitats.

California Lake and Streambed Program (Fish and Game Code Section 1602)

The Department of Fish and Game (DFG) is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. To meet this responsibility, the Fish and Game Code (Section 1602) requires an entity to notify DFG of any proposed activity that may substantially modify a river, stream, or lake.

1.4.3 Local

County of Imperial General Plan and Land Use Ordinance

The General Plan provides guidance on future growth in the County of Imperial. Any development located within the County of Imperial jurisdiction must be consistent with the General Plan and the Land Use Ordinance (Title 9, Division 10). The BLM-managed lands surrounding the solar facility site are not subject to the requirements of the General Plan because BLM is a Federal agency. However, BLM regulations require that resource management plans be consistent with local governments' officially approved resource related plans (FLMPA, Sec. 202(c)(9)).

Imperial County Air Pollution Control District

The Imperial County Air Pollution Control District enforces rules and regulations regarding air emissions associated with various activities, including construction and farming, and operational activities associated with various land uses, in order to protect the public health.

1.5 Joint CEQA/NEPA Document

This Final EIR/EA was prepared as a joint State/Federal environmental document.

The EIR portion of the document has been prepared pursuant to California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

All projects in the State of California are required to undergo environmental review in accordance with CEQA to determine if implementation of the proposed project would result in any environmental impacts. Accordingly, a project is defined as requiring environmental review pursuant to CEQA if the project has the potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. More specifically, a project requires environmental review if it incorporates an action undertaken by a public agency; is an activity that is supported in whole or in part through public agency contracts, grants, subsidies, etc.; or is an activity requiring a public agency to issue a lease, permit, license, certificate, or other entitlement.

CEQA was enacted in 1970 by the California legislature to disclose to decision makers and the public significant environmental effects of proposed activities and methods to avoid or reduce those effects by requiring implementation of feasible alternatives or mitigation measures. CEQA applies to California government agencies at all levels, including local government agencies that must issue permits or provide discretionary approvals for projects proposed with the potential to affect the environment. Therefore, the public agency is required to conduct an environmental review of the proposed project and consider its environmental effects before making a decision on the proposed project. In accordance with CEQA, the County of Imperial is the lead agency for the preparation of this Final EIR, and will be taking responsibility for conducting the environmental review and certifying the EIR/EA.

CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on them. The purpose of an EIR is to provide decision makers, public agencies, and the general public with an objective and informational document that fully discloses the potential significant environmental effects associated with the proposed project, describes and evaluates reasonable alternatives to the project, and proposes mitigation measures that would avoid or reduce the project's significant effects. In accordance with Section 15121(a) of the CEQA Guidelines (California Administrative Code, Title 14, Division 6, Chapter 3), the purpose of an EIR is as follows:

> An EIR is an informational document that will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This Final EIR/EA evaluates the direct, indirect, and cumulative impacts of the proposed project and alternatives in accordance with the provisions set forth in CEQA and the CEQA Guidelines. It will be used to address potentially significant environmental issues and recommend adequate and feasible mitigation measures, where possible, that could reduce or eliminate potentially significant environmental impacts.

The EA portion of the document has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. § 4321 et seq., NEPA), and CEQ's NEPA regulations (40 CFR §§1500-1508). In addition, for the BLM as lead agency, the process for complying with NEPA is provided in BLM's NEPA Handbook (BLM Handbook H-1790-1). This handbook provides instructions for compliance with the Council on Environmental Quality's (CEQ's) regulations for implementing NEPA and the U.S. Department of the Interior's manual guidance on NEPA.

An EA can result in either a Finding of No Significant Impact (FONSI) requiring no further environmental evaluation, or identification of potentially significant impacts requiring an EIS. The FONSI need only provide a basis for the conclusion that the project will have no significant effect on the human environment and why, therefore, an EIS is not required. (40 CFR 1508.13; BLM Handbook Section 8.4.2). According to Section 7.1 of the BLM Handbook, an applicant "may use a mitigated FONSI rather than an EIS if [the applicant is] able to reasonably conclude, based on the EA analysis, that the mitigation measures would be effective in reducing effects to nonsignificance."

1.6 Public Participation Opportunities/Comments and Coordination

The County of Imperial and the BLM conducted the following scoping process to identify the environmental issues for the proposed project. Comments received during this scoping process were considered by both the County and BLM in preparation of this EIR/EA. This scoping process meets the intent and requirements of CEQA (CEQA Guideline §15082) and NEPA (40 CFR 1501.7).

1.6.1 Notice of Preparation

The County of Imperial issued a Notice of Preparation (NOP) for the preparation of an Environmental Impact Report/Environmental Assessment for the Proposed Action on June 11, 2010. The NOP was distributed to city, county, state and federal agencies, other public agencies, and various interested private organizations and individuals in order to define the scope of the EIR/EA. The NOP was also published in the Holtville Tribune on June 11, 2010. The purpose of the NOP was to identify public agency and public concerns regarding the potential impacts of the Proposed Action, and the scope and content of environmental issues to be addressed in the EIR/EA. Comment letters in response to the NOP were received from the Department of Conservation, Department of Transportation, Imperial County Air Pollution Control District, United States Marine Corps of Yuma, Arizona, Imperial Irrigation District, and Colorado River Board of California. Circulation of the NOP ended on July 16, 2010. Written comments received during the public review period for the NOP are included in Appendix A of this Final EIR/EA.

Issues identified during the scoping process include:

- Caltrans requirements for Utility Encroachment, such as line supports for overhead lines crossing freeways.
- Concern regarding dust emissions and control during construction and operation of the project.
- Concerns raised regarding potential impacts associated with the conversion of agricultural lands.
- Concern regarding possible use of herbicides for weed control at the solar generating facility.
- Fiscal impacts to the County associated with the solar generating facility.
- Revisions to IID distribution circuits may be required to serve the Operations and Maintenance building proposed at the solar energy facility site.
- IID facilities potentially impacted include the Westside Main Canal, Wormwood Canal, and canal crossing for Westside Main and Wormwood Canals, All American Canal, Drop No. 1. Walnut Canal, Woodbine Lateral 5 Canal, Mt. Signal Drain, Mt. Signal Drain No. 3, and Mt. Signal Drain No. 4.
- A new bridge may be required to cross the Westside Main Canal in order to access the western portion of the solar site.
- An encroachment permit is required for any construction or operation on IID property or within existing or proposed right of way or easements.
- Impacts to the Salton Sea via the New River and to IID drains, due to loss or reduction of agricultural runoff caused by agricultural land conversion to urban use.
- Project water requirements of IID.
- New, relocated, or reconstructed IID facilities required for the project need to be evaluated.

1.6.2 Scoping Meeting and Environmental Evaluation Committee

A public scoping meeting was held for the Proposed Action in order to solicit input on the scope and content of the EIR/EA. This meeting involved both representatives of the County of Imperial as the CEQA Lead Agency, and the Bureau of Land Management as the NEPA Lead Agency. At this meeting comments from the public were taken in both written and oral form. The meeting was recorded by the County of Imperial. This meeting occurred on June 24, 2010. Written comments received at the public scoping meeting are included with the NOP comments in Appendix A of this Final EIR/EA.

1.6.3 Airport Land Use Commission Meeting

The Proposed Action was presented and discussed at the County's Airport Land Use Commission (ALUC) Meeting held on June 16, 2010. The Proposed Action requires the transmission towers to be constructed at 140 feet in height. However, this would exceed the County's 120-foot height limit for non-residential structures within the A-2-R and A-3 zones. The ALUC determined that the Proposed Action would be consistent with the Airport Land Use Compatibility Plan (ALUCP) and no height restrictions are required for the proposed transmission line towers.

1.7 Availability of Reports

This Final EIR/EA and documents incorporated by reference is available for public review at the County of Imperial Planning and Development Services Department, 801 Main Street, El Centro, California 92243. Copies are also available for review at the City of El Centro Public Library, 539 State Street, El Centro, CA. Documents at these locations may be reviewed during regular business hours. This document is available for review online at the County of Imperial Planning and Development Services website: http://www.icpds.com. Additionally, this document is available for review online at BLM's website: http://www.blm.gov/ca/st/en/fo/elcentro.html.

All comments on the Draft EIR/EA were directed to be sent to the following County of Imperial contact:

Patricia Valenzuela, Planner III
County of Imperial, Planning and Development Services Department
801 Main Street
El Centro, CA 92243

Comments received during the public review period have been reviewed and responded to in this Final EIR/EA. The Final EIR/EA will then be reviewed by the Imperial County Planning Commission and Board of Supervisors as a part of the procedure to adopt the EIR/EA. Additional information on this process may be obtained by contacting the County of Imperial Planning and Development Services Department at (760) 482-4236. Subsequently, the BLM will review the EA and will determine if a Finding of No Significant Impact (FONSI) can be prepared. If the BLM prepares a FONSI a Decision Record will be prepared for the approval of the grant of right of way. However, if the BLM can not prepare a FONSI than an Environmental Impact Statement will be required to be prepared for this project.

1.8 Structure of this EIR/EA

1.8.1 Final EIR/EA

The structure of this Final EIR/EA is identified in the Table of Contents. The Final EIR/EA is organized into nine chapters, including the Executive Summary. Within Chapter 4.0 the environmental impacts associated with implementation of the Proposed Action, Alternative 1-Alternative Transmission Line Corridor, Alternative 2-Reduced Solar Energy Facility Site, and the Alternative 3-No Action/No Project Alternative are addressed.

The *Executive Summary* provides a summary of the Proposed Action, including a summary of project impacts, mitigation measures, and project alternatives.

Chapter 1.0 Introduction provides a brief introduction of the Proposed Action; objectives and purpose and need for the Proposed Action; relationship to statutes, regulations and other plans; joint CEQA/NEPA document; public participation opportunities; availability of reports; and, comments received on the Draft EIR/EA.

Chapter 2.0 Proposed Action and Alternatives provides a detailed description of the Proposed Action and the project alternatives.

Chapter 3.0 Affected Environment provides a description of the existing setting on and in the vicinity of the project site related to visual resources; land use; transportation/circulation; air quality; greenhouse gas emissions; geology/soils and mineral resources; cultural resources; noise; agricultural resources; health, safety and hazardous materials/fire and fuels management; hydrology and water quality; biological resources; paleontological resources; socioeconomics; recreation and, special designations. This chapter also identifies the regulatory framework for the Proposed Action.

Chapter 4.0 Environmental Consequences provides an analysis of the environmental consequences of the Proposed Action for the following environmental issues: visual resources; land use; transportation/circulation; air quality; greenhouse gas emissions; geology/soils and mineral resources; cultural resources; noise; agricultural resources; health, safety and hazardous materials/fire and fuels management; hydrology and water quality; biological resources; paleontological resources; socioeconomics; recreation and, special designations. This chapter also identifies mitigation measures to address potential impacts to the environmental issues identified above. In addition, this Chapter provides a NEPA Environmental Assessment Summary for each environmental issue area.

Chapter 5.0 Cumulative Impacts discusses the impact of the Proposed Action in conjunction with other planned and future development in the surrounding areas.

Chapter 6.0 Other CEQA Required Considerations provides an analysis of significant irreversible environmental changes, growth inducing impacts, and unavoidable significant environmental impacts.

Chapter 7.0 Effects Found Not To Be Significant lists all the issues determined to not be significant as a result of preparation of this EIR/EA.

Chapter 8.0 EIR/EA Preparers and Persons and Organizations Contacted lists all the individuals and companies involved in the preparation of the EIR/EA and well as the individuals and agencies consulted and cited in the EIR/EA.

Chapter 9.0 References lists the data references utilized in preparation of the EIR/EA.

Appendix A is bound at the end of this Final EIR/EA. Appendix A includes the NOP and responses to the NOP.

1.8.2 Technical Appendices

The technical reports for agricultural resources; air quality; biological resources; geology/soils and mineral resources; greenhouse gas emissions; health, safety and hazardous materials; hydrology and water quality; noise; and, transportation/circulation are provided on the attached CD found on the back cover of this Final EIR/EA. These reports are referenced at the beginning of each environmental issue area and within the relevant environmental analysis sections of this document. Incorporation by reference is permitted by Section 15150 of the CEQA Guidelines. In addition, the project-specific technical reports included in the appendices, other documents and reference sources have been used in the preparation of this Final EIR/EA in Section 9.0, *References*. The Final EIR/EA, appendices and any documents incorporated by reference or referred to in the EIR/EA are available for public review at the County of Imperial. Pursuant to CEQA Guideline section 15125 (a) the baseline physical conditions as analyzed in these reports are the conditions that existed at the time of the issuance of the Notice of Preparation (NOP) for the EIR/EA.